

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Christopher Brian Douthit,
Plaintiff(s),
vs.
Kilolo Kijakazi,
Defendant(s).

2:23-cv-01287-MDC

Order

Upon review of the docket, the plaintiff has not filed on Opening Brief. On August 16, 2023, pro se plaintiff Christopher Brian Douthit filed an *Application to Proceed In Forma Pauperis* (“IFP”) (ECF No. 1) and his Complaint (ECF No. 1-1). On August 18, 2023, the Court granted his IFP application and ordered that his complaint proceed against defendant Kijakazi. ECF No. 3. The Court also ordered plaintiff to familiarize himself with the Supplemental Rules for Social Security Actions Under 42 U.S.C. § 405(g). *Id.* On October 16, 2023, the United States Attorney’s Office filed the Certified Administrative Record (ECF No. 7) and Notices of Manual Filing (ECF Nos. 8 and 9). Pursuant to Rule 6 of the Supplemental Rules of Social Security Actions Under 42 U.S.C. § 405(g), the Plaintiff’s Opening Brief was due on November 15, 2023. Plaintiff did not file his Opening Brief. The Court will give plaintiff one final chance to file his Opening Brief. Plaintiff has until May 9, 2024, to file his Opening Brief, or the Court will dismiss his action.

ACCORDINGLY,

IT IS ORDERED that plaintiff must file his Brief by **May 9, 2024**. Failure to comply with the order may result in dismissal of his case.

NOTICE

Pursuant to Local Rules IB 3-1 and IB 3-2, a party may object to orders and reports and recommendations issued by the magistrate judge. Objections must be in writing and filed with the Clerk

1 of the Court within fourteen days. LR IB 3-1, 3-2. The Supreme Court has held that the courts of appeal
2 may determine that an appeal has been waived due to the failure to file objections within the specified
3 time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985).

4 This circuit has also held that (1) failure to file objections within the specified time and (2) failure
5 to properly address and brief the objectionable issues waives the right to appeal the District Court's order
6 and/or appeal factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157
7 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983). Pursuant to LR
8 IA 3-1, the plaintiff must immediately file written notification with the court of any change of address.
9 The notification must include proof of service upon each opposing party's attorney, or upon the opposing
10 party if the party is unrepresented by counsel. Failure to comply with this rule may result in dismissal of
11 the action.
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14 DATED this 9th day of April 2024.

15 IT IS SO ORDERED.

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18 Hon. Maximiliano D. Couvillier III
United States Magistrate Judge
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